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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/466,127    12/21/99    SMITH

A    37223.010800

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PM82/1026

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EXAMINER
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ROBERT P BELL  
8033 WASHINGTON ROAD  
ALEXANDRIA VA 22308

PHAN D ART UNIT	PAPER NUMBER
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3662  
DATE MAILED:

*B*

10/26/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/466,127

Applicant(s)

Smith et al

Examiner

Dao Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 17, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above, claim(s) 25-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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1. The disclosure is objected to because it appears on p. 2, line 7, "filed December 21, 1999" should be filed December 21, 1998. Appropriate correction is required.
2. On p. 2, lines 20-21 "Attorney Docket No. RANN-0003" is objected to because this should be referred as U.S. Patent Application Serial No.. Correction is required.
3. Claim 11, line 1, "of claim 11" is objected to because it appears in claim 11, line 1, "of claim 11" should be of claim 10. Appropriate correction is required.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Evers (Pat. No. 6,211,811).

Evers teaches an apparatus and method of generating aircraft position and identification information including a plurality of radio receiver 120, 130 for receiving a first radio, means, coupled to the plurality of radio receivers, for generating a time stamp (abstract; fig. 2 and 3), transmission means, for transmitting 110 the radio signal, a central workstation, coupled to the transmission means, for generating 160 aircraft position data, means for generating 150 aircraft identification data.

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6. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Drobnicki et al (Pat. No. 5,262,784).

Drobnicki et al teach an apparatus and method of generating aircraft position and identification information including a plurality of radio receiver 16, 18 for receiving a first radio, means, coupled to the plurality of radio receivers, for generating a time stamp (abstract, lines 1-7), transmission means, for transmitting (abstract, lines 7-8) the radio signal, a central workstation, coupled to the transmission means, for generating (abstract, lines 9-12; ) aircraft position data, means for generating (abstract, lines 9-12) aircraft identification data.

7. Claims 13-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Farmakis et al (Pat. No. 5,714,948) or Schwab et al (Pat. No. 5,144,315) or Atul (JP9119983A).

Farmakis et al teach an apparatus and method of generating aircraft position and identification information including at least one radio receivers 15, 16 for receiving a first radio, transmission means, for transmitting 27 the radio signal, means, coupled to the transmission means, for generating (col 12, lines 4-9; fig. 5 and 6) aircraft identification data.

Schwab et al teach an apparatus and method of generating aircraft position and identification information including at least one radio receivers 60 for receiving a first radio, transmission means, for transmitting 61 the radio signal, means, coupled to the transmission means, for generating (28; col 9, lines 1-7) aircraft identification data.


Atul teaches an apparatus and method of generating aircraft position and identification information including at least one radio receivers (43, 18, 13; abstract) for receiving a first radio,

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transmission means, for transmitting (22; abstract) the radio signal, means, coupled to the  
transmission means, for generating (44, 16; abstract) aircraft identification data.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao Phan whose telephone number is (703) 306-4167.

  
DAO PHAN  
PATENT EXAMINER